

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

FILED _____ ENTERED _____
LODGED _____ RECEIVED _____

SEP 12 2018

AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

IKIEM R. SMITH,

Plaintiff

v.

CIVIL ACTION NO.

GLR-18-2836

Maryland State Police Dept.,

Sgt. SEAN HARRIS #1537,

Cpl. Michael Cox #4760,

Tfc. RYAN BOYCE #5954,

K9 Max #3322,

Tfc. James Pettit #5084,

Tfc. Justin Hohnen #6281 et al.

Defendants

JURY TRIAL REQUESTED

COMPLAINT

I. JURISDICTION / VENUE

1. This action is being brought against the Defendants pursuant to Title 42 U.S.C. section 1983 for their torts against the Plaintiff under color of law.

2. This court is the proper venue to entertain the violations against the Plaintiff's 8th Amendment right to the United States Constitution and his 4th Amendment right to the United States Constitution pursuant to 28 U.S.C. sections 1331 and 1343 (a) (3), (4).

3. ALL Defendants are being sued individually, officially and collectively for their torts against Plaintiff.

4. Plaintiff seeks Monetary Relief in the form of Compensatory, Punitive and Nominal damages.

II. THE PARTIES

5. The Plaintiff is Ikuem R. Smith born and Naturalized African-American Male, Citizen of the United States of America, Philadelphia Pennsylvania Resident currently incarcerated in the Maryland Division of Corrections at Roxbury Correctional Institution, 18701 Roxbury Road Hagerstown MD 21746.

6. The Defendants are Maryland State Police Department Supervisor and Employer of Defendants, 1201 Reisterstown Road Pikesville, MD 21208; Sgt. Sean Harris #1537 is Maryland State Police officer, 2433 Pulaski Hwy, North East, MD 21901; Cpl. Michael Cox # ~~1537~~ 4760 is Maryland State Police officer, 2433 Pulaski Hwy, North East, MD 21901; Tfc. Ryan Boyce #5954 is Maryland State Police officer K9 Unit, K9 Max ~~1537~~ Maryland State Police Service K9 #3322, 15 Turnpike Drive, Perryville, MD 21903; Tfc. James Pettit #5084 is Maryland State Police officer, 2433 Pulaski Hwy, North East, MD 21901; Tfc. Justin Hohner #6291 is Maryland State Police officer 2433 Pulaski Hwy North East, MD 21901.

7. All Defendants are employees of the Maryland State Police working as such on the dates and times alleged in this complaint.

III. STATEMENT OF CLAIM

8. On February 16, 2017, at or around 10:15 PM Defendants Cox and Harris executed an unlawful traffic stop on Plaintiff's vehicle on Southbound Route 272, Lums Road North East Maryland.

9. Defendants Cox and Harris were working as under cover State Police officers has members of the Drug and Taskforce Bounce Unit wear non-described Police clothing, driving a dark colored unmarked Police vehicle.

10. Both Defendant's Cox and Harris approached Plaintiff and insisted that Plaintiff step out his vehicle so they can conduct a roadside investigation.

11. Plaintiff asked Defendants Cox and Harris, why was he being stopped when he hasn't committed any traffic violations.

12. Defendants Cox and Harris ordered Plaintiff and insisted he step out his vehicle so they could conduct a roadside investigation, never informing Plaintiff as to their reasons for ~~executing~~ executing this traffic stop.

13. Plaintiff then sped away which Defendants Cox and Harris gave chase, the pursuit lasted a few minutes which Plaintiff end the pursuit by pulling his vehicle over on the right shoulder on northbound I-95, Cecil County, Maryland.

14. Defendants Pettit and Hohner approached Plaintiff's vehicle, breaking out the driver side window reaching in, and grabbing on to Plaintiff's arms and shoulders extricating Plaintiff through the broken driver side window on to the ground face first, then Plaintiff chest, torso and legs. Defendants Pettit and Hohner then placed Plaintiff in handcuffs. Defendants Pettit and Hohner both was involved in the vehicle pursuit operating separate unmarked Police vehicles. Defendants Pettit and Hohner were working undercover as Drug and Bounce taskforce unit.

15. While Defendants Pettit and Hohner held Plaintiff faced down on the ground handcuffed, Defendants Cox and Harris searched Plaintiff's Person screaming profanities at Plaintiff. Defendants Cox and Harris, grabbed Plaintiff's Right leg taking off Plaintiff's Right sneaker and Right sock ordering Defendant Boyce to command Defendant K9 Max to attack Plaintiff's Right foot.

16. Defendant Boyce did command Defendant K9 Max to attack Plaintiff's Right foot after Defendants Cox and Harris removed Plaintiff's sneaker and sock.

17. Defendant Boyce commanded Defendant K9 Max to bite on to Plaintiff's Right foot causing serious physical injury. This attack lasted several minutes.

18. Plaintiff suffered torn tendons which had to be sutured together with dissolvable sutures, ripped flesh which took (31) thirty one sutures to repair and puncture wounds, nerve damage and permanent impairment of the function of the (2) two little toes and swelling.

19. Plaintiff was taken to Christiana Hospital, Newark, Delaware where he had surgery.

20. Plaintiff suffer severe mental anguish and emotional distress from this brutal dog attack.

21. Medical Records and Photographs taken by Defendants show the severity of Plaintiff's injury.

IV. RELIEF

22. Plaintiff seeks compensatory damages against each defendant in their individual capacity in the amount of \$ 150,000 ; and against each Defendant in their official capacity in the amount of \$ 150,000 .

23. Plaintiff seeks punitive damages against each Defendant in their individual capacity in the amount of \$ 350,000 , and against each Defendant in their official capacity in the amount of \$ 350,000 .

24. Plaintiff seeks nominal damages against each Defendant in their individual and official capacities in the amounts of \$ 350,000 .

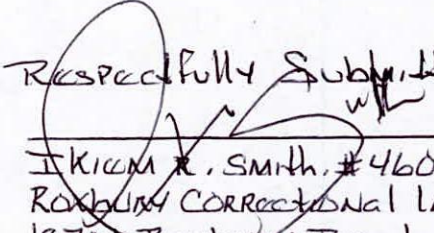
25. Plaintiff seeks compensatory and punitive damages collectively against the Defendants in their individual and official capacities in the amount of \$ 1.350 Million.

26. Plaintiff seeks any and all relief that the Court deem just and fit against the Defendants .

V. CONCLUSION

27. Plaintiff pray that all relief is awarded to him by this court .


Date: 9-5-2018

Respectfully Submitted,

Ikem R. Smith, #460090
Roxbury Correctional Inst.
18701 Roxbury Road
Hagerstown, MD 21746

STATEMENT OF VERIFICATION

I, Ikiem R. Smith hereby verify that the foregoing statements herein this Complaint are true and correct to the best of my personal knowledge, information and beliefs and that any false statements are subjected to the penalties pursuant to 18 U.S.C. section .

Date 9-5-2018



Ikiem R. Smith #460090
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